

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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Mail Processing Network Rationalization  
Service Changes, 2012

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Docket No. N2012-1

AMERICAN POSTAL WORKERS UNION, AFL-CIO,  
MOTION FOR ACCESS TO NON-PUBLIC INFORMATION IDENTIFIED  
AS USPS-LR-N2012-1/NP29  
(July 6, 2012)

Pursuant to 39 CFR 3007.40 and Rule 21 of the Commission's Rules of Practice and Procedure, the American Postal Workers Union, AFL-CIO (APWU) hereby moves for access to Postal Service Library Reference USPS-LR-N2012-1/NP29, Materials Responsive to Interrogatory APWU/USPS-27.

The Postal Service submitted Library Reference USPS-LR-N2012-1/NP29 on July 2, 2012, accompanied by an Application for non-public treatment. In its Application, the Postal Service explains that the "materials covered by this application consist of information concerning the volume in each parcel subcategory for each class of mail that is entered into the system at each type of operating facility."<sup>1</sup> The Postal Service asserts that "the public disclosure of the volume in each parcel subcategory for each class of mail that is entered into the system at each type of operating facility could adversely affect the Postal Service."<sup>2</sup> The Postal Service requests that these materials "be withheld from any persons or firms connected to the delivery and logistics markets in any way, whether as providers, customers, or otherwise, as well as such parties' consultants and attorneys."<sup>3</sup>

APWU is the exclusive collective bargaining representative of postal employees in the clerk, maintenance, and motor vehicle service crafts nationwide. APWU also mails millions of letters, periodicals, and packages each year and APWU members and retirees

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<sup>1</sup> Application of United States Postal Service for Non-Public Treatment of Library Reference USPS-LR-N2012-1/NP29 (July 2, 2012).

<sup>2</sup> Id. at 2.

<sup>3</sup> Id. at 4.

make extensive use of postal products and services. The changes proposed in this docket could have a significant impact on APWU represented employees and on the APWU and its members as a large user of the mail. Accordingly, APWU has intervened and has participated actively in this docket. APWU has also submitted rebuttal testimony in this docket. Parties should be entitled to the material relevant to a full evaluation of the Postal Service's plan in this docket. The scope of the Postal Service request to withhold this information is so large as to prevent the majority of participants from accessing this material. However, the Postal Service filed no objection to the interrogatory necessitating USPS-LR-N2012-1/NP29, nor has it provided any rationale for preventing APWU from accessing this material. APWU's access to this information will not jeopardize the Postal Service's commercial interests. Furthermore, we believe that the information presented in USPS-LR-N2012-1/NP29 will inform our understanding of aspects of the Postal Service proposal and may impact our arguments on brief at the conclusion on this case. Therefore, APWU respectfully requests access to Library References USPS-LR-N2012-1/NP29.

In accordance with 39 CFR 3007.40(b), APWU representatives, consultants and attorneys have completed a Statement of Compliance with Protective Conditions Certification, found in Appendix A to Part 3007 of Title 39 of the Code of Federal Regulations, for Library Reference USPS-LR-N2012-1/NP29 as follows:

Phillip A. Tabbita  
Manager, Negotiation Support and Special Projects  
American Postal Workers Union, AFL-CIO

Kathryn Kobe  
Director of Price, Wage and Productivity Analysis ECS, LLC  
Economic Consultant for American Postal Workers Union, AFL-CIO

Darryl J. Anderson  
O'Donnell, Schwartz & Anderson, PC  
Counsel for the American Postal Workers Union, AFL-CIO

Jennifer L. Wood, Esq.  
O'Donnell, Schwartz & Anderson, PC  
Counsel for the American Postal Workers Union, AFL-CIO

Barbara Zibordi  
Paralegal  
O'Donnell, Schwartz & Anderson, PC

A copy of each Certification is attached hereto. The original Certifications will be promptly filed with the Commission. Persons identified by the Postal Service pursuant to Section 3007.2(c) have also been provided with a copy of this Motion and accompanying certifications today by email.

**Conclusion**

For the forgoing reasons, APWU respectfully requests that access to Library References USPS-LR-N2012-1/NP29 be granted to the above named individuals.


Respectfully submitted,

Darryl J. Anderson  
Jennifer L. Wood  
Counsel for American Postal Workers Union, AFL-CIO

## **CERTIFICATION**

The undersigned represents that:

Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP29** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Phillip Tabbita</u>
Firm	<u>American Postal Workers Union, AFL-CIO</u>
Title	<u>Mgr Negotiation Support</u>
Representing	<u>American Postal Workers Union, AFL-CIO</u>
Signature	<u></u>
Date	<u>July 5, 2012</u>

### CERTIFICATION

The undersigned represents that:

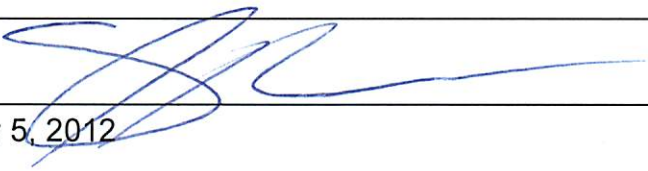
Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP29** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Kathryn Kobe</u>
Firm	<u>ECS, LLC</u>
Title	<u>Director of Price, Cost, Productivity Analysis</u>
Representing	<u>APWU</u>
Signature	<u>Kathryn Z Kobe</u>
Date	<u>July 5, 2012</u>

### CERTIFICATION

The undersigned represents that:

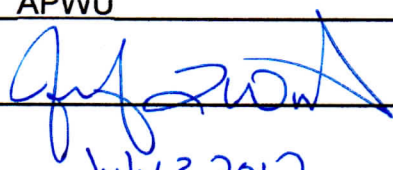
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Name	Darryl J. Anderson
Firm	O'Donnell, Schwartz & Anderson, P.C.
Title	Attorney
Representing	APWU
Signature	
Date	July 5, 2012

### CERTIFICATION

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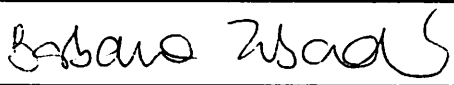
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Name	<u>Jennifer L. Wood</u>
Firm	<u>O'Donnell, Schwartz and Anderson, P.C.</u>
Title	<u>Attorney</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>July 3, 2012</u>

## CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP29** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	Barbara Zibordi
Firm	O'Donnell, Schwartz & Anderson, P.C.
Title	Paralegal
Representing	APWU
Signature	
Date	July 5, 2012